

PATENT**REMARKS**

In the Office Action, the Examiner rejected claims 1, 2, 5-10 and 18-21 under 35 USC §102; and rejected claims 3, 4 and 22-33 under 35 USC §103(a). These rejections are fully traversed below.

Claims 1-3, 10, 19, 21, 25 and 29 have been amended to further clarify the subject matter regarded as the invention. New claims 34-37 have been added to the application. Claims 1-10 and 18-37 are pending.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS 1, 2, 5-10 AND 18-20 UNDER 35 USC §102(a)

In the Office Action, the Examiner rejected claims 1, 2, 5-10 and 18-20 under 35 USC §102(a) as being anticipated by Allen et al., U.S. Patent Pub. 2002/0149705. This rejection is fully traversed below.

Claim 1 pertains to a system that enhances an audio system having an audio output terminal. The system includes a wireless RF transmitter that connects to the audio output terminal to receive audio output from the audio system and wirelessly transmits signals corresponding to the audio output. The transmitted signals are received at a personal audio device usable by a user to hear the audio output. The audio output can be customized for a particular user based on the audio output and user information regarding a particular user.

On pages 3 and 4 of the Office Action, the Examiner relies on Allen et al. in order to reject claim 1. Allen et al. describes a hybrid communicator/remote control that includes a display screen configured to display a contact list.

Initially, it should be noted that nothing in Allen et al. pertains to enhancing an audio system through use of a wireless RF transmitter and a personal audio device. Paragraph [0096] of Allen et al. indicates that a verbal identifier 526, such as a digital audio sample of a contact's spoken name, can be reproduced at a speaker 242 of a hybrid communicator/remote control 106. "This may allow, for

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example, a visually impaired individual to easily select a contact 520 from the list 252." Allen et al., paragraph [0096]. However, merely reproducing, i.e., playing back, a recorded spoken name for a contact is not in any way enhancing an audio system as is recited in claim 1. Further, claim 1 recites "wherein said system generates a customized audio output based on the audio output and the user information...." According to claim 1, the customization results from the audio output and the user information. Although the Examiner references paragraph [0096] of Allen et al., nothing therein teaches or suggests any sort of audio customization of a recorded spoken name. In other words, in Allen et al., a given contact's name is spoken the same way regardless of the user. In other words, there is no customization of the audio output.

Based on the foregoing, it is submitted that claim 1 is patentably distinct from Allen et al. In addition, it is submitted that dependent claims 2, 5-10 and 18-20 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claim or the dependent claims are not discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Allen et al. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1, 2, 5-10 and 18-20 under 35 USC §102(a).

REJECTION OF CLAIM 21 UNDER 35 USC §102(e)

In the Office Action, the Examiner rejected claim 21 under 35 USC §102(e) as being anticipated by Warren, U.S. Patent 7,013,009. This rejection is fully traversed below.

Claim 21 pertains to a system that enhances an audio system having an audio output terminal. The system includes an external wireless RF transmitter provided as an attachment that removably connects to the audio output terminal to receive audio output from the audio system and wirelessly transmits signals corresponding to the audio output. The transmitted signals are received at a personal audio device usable by a user to hear the audio output. On pages 6

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and 7 of the Office Action, the Examiner relies on Warren in order to reject claim 21.

In Warren, as shown in FIG. 2, a cell phone 32 can send and receive signals wirelessly to and from eyeglasses 10. However, in contrast to claim 21, the cell phone 32 in Warren does not use, teach or suggest an external wireless RF transmitter that attaches to and is removable from an audio output terminal of an audio system.

Based on the foregoing, it is submitted that claim 21 is patentably distinct from Warren. Thus, it is respectfully requested that the Examiner withdraw the rejection of claim 21 under 35 USC §102(e).

REJECTION OF CLAIMS 3 AND 4 UNDER 35 USC §103(a)

In the Office Action, the Examiner rejected claims 3 and 4 under 35 USC §103(a) as being unpatentable over Allen et al. in view of Zurek et al., U.S. Patent 6,363,139. This rejection is fully traversed below.

It is enough that the above-noted deficiencies of Allen et al. cannot be overcome by combining Allen et al and Zurek et al. Moreover, ingenuity would be required for one skilled in the art to combine these references in the manner proposed by the Examiner. Hence, it is submitted that the combination of these references is improper. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 3 and 4 under 35 USC §103(a).

REJECTION OF CLAIMS 22-32 UNDER 35 USC §103(a)

In the Office Action, the Examiner rejected claims 22, 24-26, 29-31 and 33 under 35 USC §103(a) as being unpatentable over Warren et al. in view of "Technology Introduction," America Technology Corporation, 2001, pp. 1-19 (hereafter "ATC"); rejected claim 23 under 35 USC §103(a) as being unpatentable over Warren et al.; rejected claims 27 and 32 under 35 USC §103(a) as being unpatentable over Warren et al. in view of Okubo et al, U.S. Patent 5,450,494; and rejected claim 28 under 35 USC §103(a) as being

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unpatentable over Warren et al. in view of ATC and further in view of Okubo et al. and further in view of Brian, Marshall, "How USB Ports Work," October 11, 2002, www.howstuffworks.com/usb (hereafter "Brain"). These rejections are also fully traversed.

For at least the reasons noted above, it is respectfully requested that the Examiner withdraw the rejection of claim 22 under 35 USC §103(a). Applicants also disagree that claim 23 pertains to an obvious design choice.

Claim 24 pertains to a personal audio device that is for use by a user to hear audio sound. The audio device is not only personal to a user but also mobile. Claim 24 also recites that the personal audio device includes an ultrasonic speaker that produces a directional acoustic output. On page 9 of the Office Action, the Examiner admits that Warren does not teach an ultrasonic speaker. In view of this deficiency, the Examiner relies on ATC to teach an ultrasonic speaker.

Initially, it is submitted that at the very least ingenuity would be required for one skilled in the art to combine these references in the manner proposed by the Examiner. Specifically, there is no teaching or suggestion as to how one skilled in the art would combine the relatively large hypersonic speakers of ATC with the relatively small eyeglasses of Warren. Moreover, the combination of the ATC hypersonic speakers (which are intended to carry sound over significant distances) with Warren's eyeglasses would be counter to ATC's intended purpose because the speaker used with the eyeglasses in Warren is not intended to carry audio a sizable distance (instead it concerns very short distances, i.e., centimeters not meters). Indeed, when in close proximity to its emission, the hypersonic output from the hypersonic speakers may not even be audible. Thus, if ATC's speaker were to be combined with Warren's eyeglasses, as proposed by the Examiner, the user/wearer of the eyeglasses may hear nothing. See, e.g., ATC, page 13, Ultrasonics & Audio section, wherein it notes that ultrasonic energy is emitted but must be demodulated in air before audio

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sound is produced. Hence, it is submitted that the combination of these references is improper.

Thus, it is respectfully requested that the Examiner withdraw the rejection of claim 24 under 35 USC §103(a). For at least similar reasons, it is also respectfully requested that the Examiner withdraw the rejection of dependent claims 25-28 under 35 USC §103(a).

Claim 29 pertains to a method for providing audio sound output from an audio system to a user in a wireless manner. Among other things, claim 29 recites use of a wireless audio adapter. The wireless audio adapter is removably attached to an audio output port of the audio system. Audio signals can then be wirelessly transmitted via the wireless audio adapter to a specific personal device that has a directional speaker, which is an ultrasonic speaker. Nothing in Warren teaches or suggests a wireless audio adapter or wireless transmission of audio signals to a specific personal device that has an ultrasonic speaker. Moreover, the combination of Warren with ATC is improper as discussed above. Therefore, it is respectfully requested that the Examiner withdraw the rejection of claim 29 under 35 USC §103(a). For at least similar reasons, it is also respectfully requested that the Examiner withdraw the rejection of dependent claims 30-32 under 35 USC §103(a).

SUMMARY

It is submitted that claims 1-10 and 18-37 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

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Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-3874.

Respectfully submitted,



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